

Remarks

Reconsideration of the above-identified application in view of the preceding amendments and following remarks is respectfully requested.

Claims 1-10, 15 and 17-25 are pending in this application. By this amendment, applicant's attorneys have cancelled claims 10-14 and 16 without prejudice and amended claims 1, 2, 4, 5, 8-10, 15 and 19. New claims 20-25 have been added by this amendment. It is respectfully submitted that no new matter has been introduced by these amendments as support therefore is found throughout the specification and drawings.

Claim 1 is an independent claim that has been amended to include the subject matter of the original claim, and in addition now includes the limitation that the support defines a longitudinally extending channel, the channel positionable above and facing a top tube of the bicycle when the bicycle is a male-style bicycle.

Claim 15 is also an independent claim that has been amended so that a child carrier attachment for a bicycle (instead of a support device) is now claimed. Claim 15 as amended includes substantially all of the subject matter of the original claim and in addition recites a child's seat as an additional element. Claim 15 specifies that the child's seat includes foot rests integral to the child's seat, that the child's seat is mounted on the support, and that the foot rests straddle the support.

New independent claim 22 is similar in its subject matter to original claim 1. One difference is that this claim does not have the limitation that the support device is adjustable to vary the spacing of the front and rear clamping devices. Another difference is that claim 22 specifies that the front fastener includes a forwardly open yolk having arms and a curved clamp having opposite ends.

In the Office Action, claims 1-6, 8-11 and 15-17 were rejected under 35 U.S.C. 102 (b). The claims have been amended to better distinguish over U.S. Patent 5,149,112 to

Nauman et al. which was the cited patent for this rejection. Reconsideration of the rejection is respectfully requested.

Nauman et al. discloses a bicycle conversion bar for converting a female-style bicycle to a male-style bicycle. As seen in Figure 2 of the patent, the device includes two telescoping cylindrical sleeves 32 and 34. A cushion, which is illustrated in Figure 4, can be attached over the periphery of the conversion bar to make sitting on the conversion bar more comfortable. The conversion bar does not appear to be intended for use with a male-style bicycle.

With respect to independent claim 1, this claim now recites a longitudinally extending channel which is positionable above and facing a top tube of the bicycle when the bicycle is a male-style bicycle. With this arrangement, any cables running along the top tube of the bicycle will not be interfered with in part because of the space provided by the channel. The support device of this application is designed to avoid damaging cables extending along the bicycle frame as mentioned in paragraph 14 of the application.

Nauman et al. does not disclose or suggest constructing the conversion bar with channel members. It appears that the conversion bar disclosed in Nauman et al. would not work at all (or at least would be highly impractical) if used on a male-style bicycle. For example, the seat cushion shown in Figure 4 would not properly attach to the conversion bar because of interference with an adjacent top tube. Also the cylindrical sleeves would damage cables running along the top tube once any weight is put on the conversion bar (for example by a child sitting on it).

With respect to claims 2-6 and 8-10, these claims depend directly or indirectly upon claim 1, and therefore these claims distinguish over Nauman et al. for at least the same reasons that amended claim 1 distinguishes over it. Making particular reference to claim 2, this claim specifies that the rear clamping device include at least one spacer member having at least two walls of different thickness, one of the walls only to be selected from the two walls for contact with the saddle posts. Figure 3a of the present application illustrates an embodiment of the spacer member referred to. As can be seen in this figure, wall 35 of the

spacer member is thin, and wall 37 of the spacer member is thick. Either wall can be selected for engagement with the saddle post. Obviously if the wall 37 is selected the gap between the spacer members will be smaller. The spacer members disclosed in Nauman et al. do not have this selectability feature.

With respect to independent claim 15, this claim now recites a child seat including foot rests integral to the child's seat. The claim also recites that the child's seat is mounted on the support and that the foot rests straddle the support. The seat cushion disclosed in Nauman et al. does not include foot rests. In Nauman et al. the legs of a child sitting on the seat cushion are free to move about unrestricted. If the child is very young there will be obvious safety concerns.

With respect to claim 17, this claim depends directly upon claim 15, and therefore this claim distinguishes over Nauman et al. for at least the same reasons as claim 15 distinguishes over it. Also, with due respect, it is submitted that the Examiner has miscategorized slot 120 and passage 128 disclosed in Nauman et al. (see Figure 6). These can in no way be considered to be a "fastener".

The Examiner has rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over Nauman et al. in view of Kamijo (JP 07269543A). Reconsideration of this rejection is respectfully requested in view of the amendments made to claims 1, 2, 4 and 5. Claim 7 presently includes limitations not found in either cited reference.

The Examiner has rejected claims 12-14 and 18-19 under 35 U.S.C. 103(a) as being unpatentable over Nauman et al. in view of Jefferson (U.S. Patent No. 5,104,188). Both claims 18 and 19 recite a steering post clamp adjusting means for gripping engagement with bicycle steering posts of various diameters. Referring to Figure 14 of the Jefferson patent, vertical post 40 includes a forked pair of arms 40a and 40b adapted to be bolted to a diagonal bracing bar 42. It would not have been obvious at the relevant date to have combined the adjusting means of Nauman et al. with the child carrier attachment disclosed in Jefferson to obtain either of the child carrier attachments recited in claims 18 or 19. Accordingly, it is respectfully submitted that claims 18 and 19 are allowable.

Alternatively, considering the two U.S. patents as the Examiner has with Nauman et al. as the primary reference and Jefferson as the secondary reference, it would not have been obvious at the relevant date to have attached the seat disclosed in the Jefferson patent to the support disclosed in Nauman et al. The cylindrical conversion bar disclosed in Nauman et al. is not designed to have the type of child's seat as specified in claims 18 and 19 attached to it. The Jefferson patent does not teach how one would attach a child's seat to a cylindrical conversion bar.

On page 2 of the Office Action, the Examiner has noted that a certified copy of Canadian Patent Application 2,300,598 needs to be filed. Accordingly please find enclosed a certified copy of Canadian Patent Application 2,300,598.

With respect to the informality objection in relation to claims 15-19, claim 15 has been amended so that it now terminates in a period instead of a semi-colon.

With respect to the indefiniteness objection in relation to claim 9, the claim has been appropriately corrected. The words "having arms" have been added after "a forwardly open yoke". Furthermore, the word "respective" has been deleted.

Amendments have been made to the specification. Firstly, the paragraph in the Summary of the Invention that bridges pages 3 and 4 has been changed to correspond, closely to rewritten claim 1. Secondly, various paragraphs in the Detailed Description have been changed in order to improve the clarity of new language appearing in the claims. No new matter is being introduced into the specification by the amendments.

With respect to claims 2 and 20, the added limitation relating to one of the walls being selected is not new subject matter. Support is found in the Detailed Description, in particular at paragraph 32 on page 6.

Figure 2 has been amended to add reference numeral 19 which identifies a top tube of a bicycle frame. It is notoriously well known that a top tube distinguishes a male-style bicycle frame from a female-style bicycle frame. Accordingly, no new subject matter is introduced


by the amendment to the drawing.

In view of the foregoing amendments and arguments, it is submitted that all claims now remaining in this application, namely claims 1-10, 15, and 17-25, are in condition for allowance, such action is earnestly solicited.

If after reviewing this amendment, the Examiner believes that a telephone or a personal interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Respectfully submitted,

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Amendments to the drawings

Please replace original drawing sheet containing figures 1 and 2 with the enclosed replacement drawing sheet.